

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

DELROY VALENTINE,

Petitioner,

-against-

9:08-CV-0901 (LEK/ GJD)

MARTIN HERRON, Chief Facility Director,  
Buffalo Federal Detention, et al.,

Respondents.

---

**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on May 6, 2009 by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 13).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge DiBianco's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 13) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

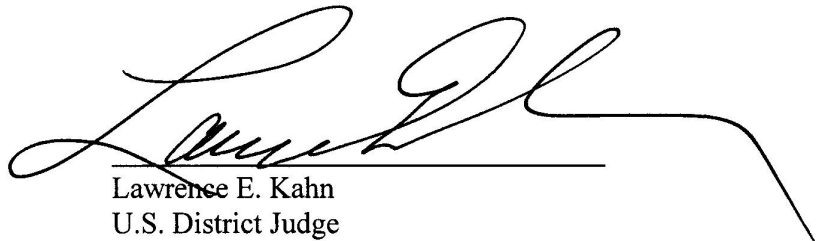
**ORDERED**, that the Respondents' Motion to dismiss (Dkt. Nos. 9, 10) is **GRANTED**; and it is further

**ORDERED**, that Petitioner's Petition for writ of habeas corpus is **DENIED** and **DISMISSED as moot**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: May 22, 2009  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge